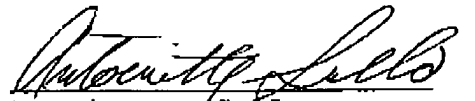


**BACHMAN & LaPOINTE, P.C.**REGISTERED PATENT ATTORNEYS  
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NEW HAVEN, CONNECTICUT 06510-2802GREGORY P. LAPOINTE  
BARRY L. KELMACHTER (ALSO VA BAR)  
GEORGE A. COURY (ALSO NY BAR)  
WILLIAM B. SLATE (ALSO CA AND DC BARS)  
ROSS J. CHRISTIE (ALSO NY BAR)  
Y. LYNNETTE KELLY (ALSO MA BAR)TELEPHONE (203) 777-6628  
FAX (203) 865-0297  
(203) 789-0582TELECOPIER COVER LETTERTo: USPTOFrom: William B. SlateFAX #: 571-273-8300Date: January 14, 2009Your Ref.: SN 10/618,059Our Ref.: 085.10937-US(03-358)Number of Pages including this sheet: 2Confirmation Copy to Follow: Yes XX No

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\* Comments:

I hereby certify that this correspondence is being facsimile transmitted this 14<sup>th</sup> day of January, 2009 to the USPTO, at Fax No. 571-273-8300.

  
Antoinette Sullo

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TELEPHONE: (203) 777-6628  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

BACHMAN & LAPOINTE, P.C.  
900 CHAPEL STREET  
SUITE 1201  
NEW HAVEN, CT 06510Appeal No: 2008-4545  
Appellant: Brian J. Schwartz, Robert N. Davie,,  
Application No: 10/618,059  
Hearing Room: A  
Hearing Docket: B  
Hearing Date: Thursday, February 12, 2009  
Hearing Time: 09:00 AM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: (X) HEARING ATTENDANCE CONFIRMED ( ) HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant  
William B. SlateJanuary 13, 2009 37,238  
Date Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/gcounsel/contact.html#bpa\\_contacts](http://www.uspto.gov/web/offices/dcom/gcounsel/contact.html#bpa_contacts)